

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
)	
Mobility Fund Phase I Auction Scheduled for)	AU Docket No. 12-25
September 27, 2012)	
)	

COMMENTS OF PUBLIC SERVICE WIRELESS SERVICES, INC.

Public Service Wireless Services, Inc. (“PSW”), by its counsel, hereby files comments in response to the *Auction 901 Comment Public Notice* requesting comments on the census blocks eligible for funding through the Mobility Fund Phase I reverse auction (“Auction 901”).¹ Specifically, PSW hereby apprises the Federal Communications Commission (“FCC” or “Commission”) that certain census blocks in Georgia should not be eligible for Mobility Fund Phase I support because PSW provides, or will provide, fourth generation (“4G”) services to such areas.

I. PSW Is Providing, or Will Provide, 4G LTE Coverage to Census Blocks Preliminarily Identified as “Unserved” by 3G or Better Service.

PSW is a wireless company headquartered in Reynolds, Georgia. It holds Lower 700 MHz and Advanced Wireless Services (“AWS”) licenses in eight (8) Cellular Market Areas (“CMAs”) in Alabama and Georgia. PSW has deployed a 4G Long Term Evolution (“LTE”) network in two (2) CMAs, and is in the process of deploying LTE coverage to additional areas.

¹ *Mobility Fund Phase I Auction Scheduled for September 27, 2012; Comment Sought on Competitive Bidding Procedures for Auction 901 and Certain Program Requirements*, AU Docket No. 12-25, Public Notice, DA 12-121 (rel. Feb. 2, 2012) (“*Auction 901 Comment Public Notice*”). By a Public Notice, DA 12-236 (rel. Feb. 16, 2012), the Wireless Telecommunications and Wireline Competition Bureaus (the “Bureaus”) extended the deadline for filing comments on the eligibility of census blocks for Mobility Fund Phase I support until March 16, 2012.

The map attached as Exhibit I, depicts the 4G coverage that PSW anticipates its LTE system will provide prior to the commencement of Auction 901. PSW has deployed its LTE core and is operating numerous sites utilizing PSW's 700 MHz licenses. PSW has purchased all the equipment, secured tower leases or constructed towers (or is in the final phase of construction of a few towers), and secured (or is in the process of securing) backhaul for the 4G deployment depicted on Exhibit I. Therefore, PSW either has deployed, or is well on its way to deploying, all of the sites necessary to provide the coverage depicted on Exhibit I prior to Auction 901.

Exhibit II, is a list of those census blocks that the Bureaus have identified as preliminarily eligible for Mobility Fund Phase I support, but to which PSW currently provides 4G coverage, or to which PSW plans to provide 4G coverage as of the commencement of Auction 901. These census blocks should not be considered "unserved areas" and should not be included in the final list of census blocks eligible for support in Auction 901. Accordingly, the Bureaus should exclude the census blocks listed on Exhibit II from the list of eligible areas in Auction 901.²

II. The Census Blocks that PSW Covers or Will Cover with 4G Should Not Be Eligible Areas in Auction 901.

In order to ensure that the limited funds available through the Mobility Fund Phase I are used to maximize the expansion of mobile broadband services in areas that are currently unserved, the *USF/ICC Transformation Order* directed the Bureaus to identify census blocks presently without current generation ("3G") or better service.³ Based on American Roamer data, the Bureaus developed a preliminary list of such "unserved" census blocks.

² See *Auction 901 Comment Public Notice* at ¶ 19 ("If commenters think certain blocks included in the revised list should not be eligible for support, they should indicate which blocks and provide supporting evidence.").

³ See *in re* Connect America Fund, WC Docket No. 10-90, A National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Federal-

Due to the incomplete nature of the American Roamer data, however, this list includes census blocks that should not be considered “unserved.” As other parties have noted, and as the Commission itself has acknowledged, American Roamer data is not perfect information and may over- or under-report 3G/4G coverage. The data may be particularly inaccurate in rural areas because many rural and small wireless providers, including PSW, do not report their coverage data to American Roamer or may be delayed in doing so. In addition, the American Roamer data tends to under-report information about new providers and deployments such as PSW’s.

Recognizing the limits of American Roamer data, the Commission in the *USF/ICC Transformation Order*, provided for an opportunity to challenge the determinations regarding unserved geographic areas for purposes of Mobility Fund Phase I, and stated, “[W]e make clear that in identifying unserved census blocks we will exclude census blocks that are served by 3G or better service.”⁴ Therefore, those census blocks to which PSW provides 4G coverage should be excluded from the list of eligible areas in Auction 901.

In addition, the Bureaus should exclude those census blocks to which PSW intends to provide 4G coverage prior to the start of Auction 901. Including such census blocks in Auction 901 would be inconsistent with the Commission’s goal of swiftly extending wireless broadband coverage to the most areas where it is cost effective to do so,⁵ and of utilizing the limited funds available in the Mobility Fund to support the deployment of mobile broadband services where

State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109, Universal Service Reform – Mobility Fund, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, rel. November 18, 2011 at ¶¶ 333-337 (“*USF/ICC Transformation Order*”).

⁴ *Id.* at note 567; *see also id.* at ¶ 337; *Auction 901 Comment Public Notice* at ¶ 19.

⁵ *See USF/ICC Transformation Order* at ¶ 301.

market forces and private funds fail to do so. Including in Auction 901 census blocks in which unsupported providers are actively deploying 3G or better services (even absent a regulatory commitment or executive funding) would not constitute an “appropriate use of available resources” in light of the limited support available through Mobility Fund Phase I.⁶ PSW’s deployment is not speculative, or far off. It is concrete and imminent. Therefore, the Bureaus should exclude from Auction 901 those census blocks that PSW’s 4G system will serve as of the beginning of the auction.

For the reasons stated herein, PSW requests that the Bureaus exclude the census blocks listed on Exhibit II from eligibility in Auction 901.

Respectfully submitted,

Public Service Wireless Services, Inc.



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March 16, 2012

⁶ *Id.* at ¶ 342. *See also id.* at ¶ 319 (“We conclude that the public interest is best served by maximizing the expansion of networks into currently unserved communities given the available budget....”).

EXHIBIT I

MAP

Public Service Wireless Services, Inc.
Exhibit I

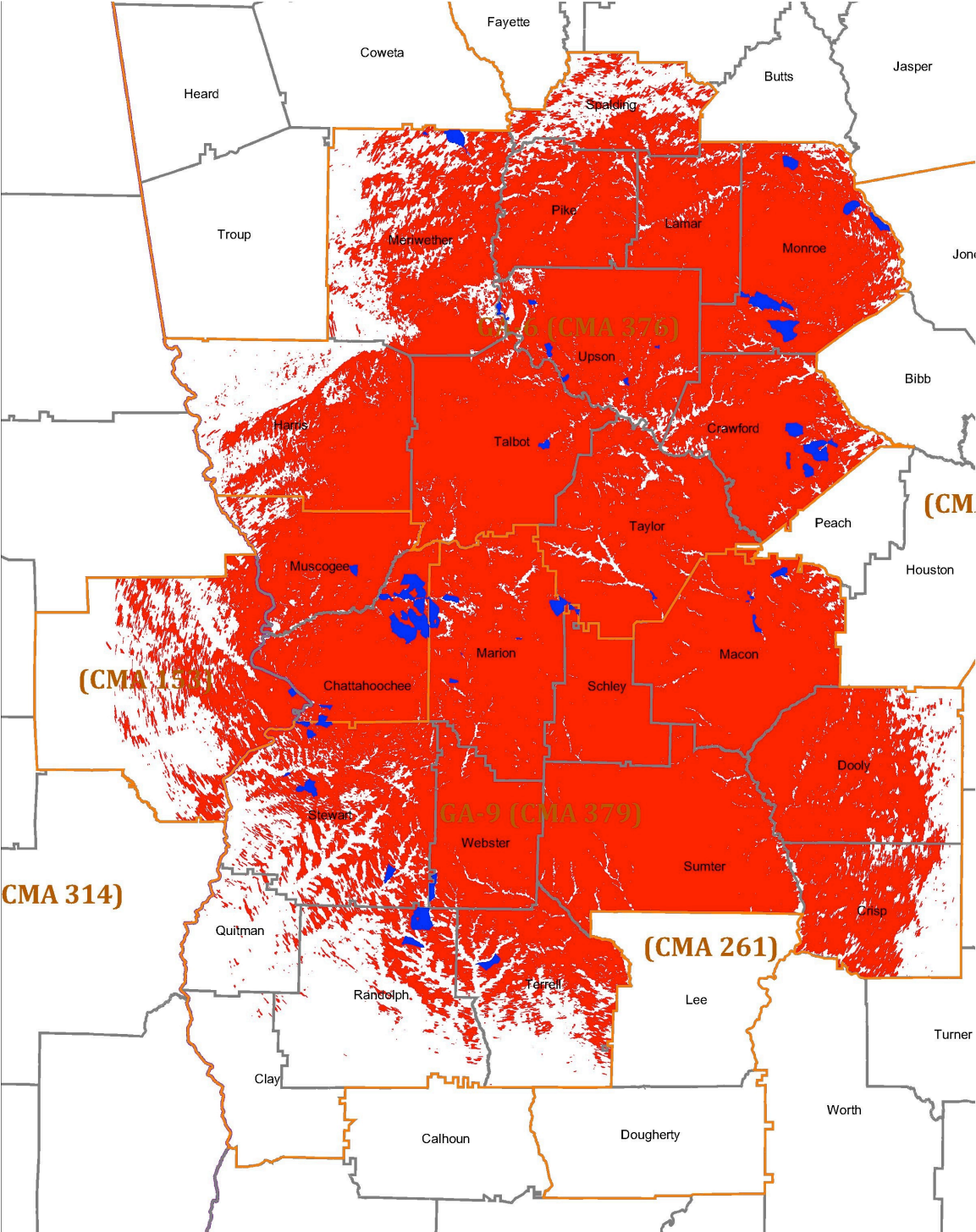


EXHIBIT II

LIST OF CENSUS BLOCKS

Exhibit II - PSW Census Blocks Covered By 4G

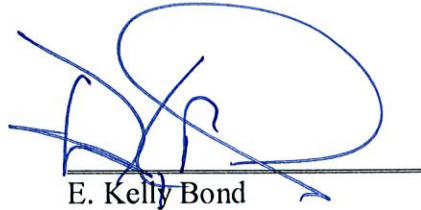
BLOCK	STATE	STATE_COUNTY	COUNTY_NAME	CMA	TRACT	BLOCK_GROUP	POP10	AREA	S1100	S1200	S1400
011130309021004	AL	01113	Russell	153	01113030902	011130309021	0	0.36			1.266
011130309021006	AL	01113	Russell	153	01113030902	011130309021	0	0.22			1.112
130530201002058	GA	13053	Chattahoochee	153	13053020100	130530201002	0	0.38			1.038
130530201002076	GA	13053	Chattahoochee	153	13053020100	130530201002	0	0.63			1.500
130530202061039	GA	13053	Chattahoochee	153	13053020206	130530202061	0	3.82			8.812
130530202061041	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.01			0.245
130530202061055	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.11			0.464
130530202061059	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.46			1.093
130530202061062	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.29			1.259
130530202061066	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.26			0.843
130530202061070	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.85			1.146
130530202061072	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.81			1.915
130530202061085	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.05			0.338
130530202061088	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.59			1.991
130530202061092	GA	13053	Chattahoochee	153	13053020206	130530202061	0	1.74			3.618
130530202061097	GA	13053	Chattahoochee	153	13053020206	130530202061	0	1.55			3.310
130530202061107	GA	13053	Chattahoochee	153	13053020206	130530202061	0	1.56			3.083
130530202061109	GA	13053	Chattahoochee	153	13053020206	130530202061	0	3.05			4.025
130530202061116	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0			0.044
130530202061544	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.56			1.672
130530202061548	GA	13053	Chattahoochee	153	13053020206	130530202061	0	2.52			5.079
130530202061611	GA	13053	Chattahoochee	153	13053020206	130530202061	0	0.01			0.337
130790702012003	GA	13079	Crawford	376	13079070201	130790702012	73	2.48		0.705	1.884
130790702012020	GA	13079	Crawford	376	13079070201	130790702012	39	2.16		0.767	1.706
130790702013040	GA	13079	Crawford	376	13079070201	130790702013	33	0.42			2.134
130790702013045	GA	13079	Crawford	376	13079070201	130790702013	6	0.01			0.130
130790702013053	GA	13079	Crawford	376	13079070201	130790702013	0	0.01			0.110
130790702013055	GA	13079	Crawford	376	13079070201	130790702013	45	1.06		0.764	1.307
130790702013056	GA	13079	Crawford	376	13079070201	130790702013	16	1.21		0.359	1.448
130790702020211	GA	13079	Crawford	376	13079070202	130790702022	18	0.48			0.965
130790702020213	GA	13079	Crawford	376	13079070202	130790702022	7	0.2			0.424
130790702020239	GA	13079	Crawford	376	13079070202	130790702022	160	1.33			3.925
131930001002021	GA	13193	Macon	379	13193000100	131930001002	14	1.23			1.682
131930001002079	GA	13193	Macon	379	13193000100	131930001002	10	0.75		1.011	0.550
131930002001126	GA	13193	Macon	379	13193000200	131930002001	0	0.2			0.724
131930002001132	GA	13193	Macon	379	13193000200	131930002001	0	0.04		0.138	
131979201001077	GA	13197	Marion	379	13197920100	131979201001	13	2.24		0.499	1.619
131979201001126	GA	13197	Marion	379	13197920100	131979201001	0	0.07			0.825
131979201002102	GA	13197	Marion	379	13197920100	131979201002	31	1.09		1.132	0.475
131979201002131	GA	13197	Marion	379	13197920100	131979201002	26	1.78		0.824	4.100
131979201002206	GA	13197	Marion	379	13197920100	131979201002	0	1.06		0.948	
131979202002047	GA	13197	Marion	379	13197920200	131979202002	0	0.33		0.471	0.866
131979202002154	GA	13197	Marion	379	13197920200	131979202002	0	0.01		0.138	
131999707002004	GA	13199	Meriwether	376	13199970700	131999707002	9	2.98			4.147
131999707002016	GA	13199	Meriwether	376	13199970700	131999707002	34	0.11			0.729
131999707002018	GA	13199	Meriwether	376	13199970700	131999707002	0	0.04		0.010	
132070501011004	GA	13207	Monroe	376	13207050101	132070501011	89	1.97		0.581	2.444
132070501021067	GA	13207	Monroe	376	13207050102	132070501021	36	1.64		1.040	0.872
132070501021068	GA	13207	Monroe	376	13207050102	132070501021	0	0		0.039	0.074
132070501021069	GA	13207	Monroe	376	13207050102	132070501021	0	0		0.067	0.098
132070501021070	GA	13207	Monroe	376	13207050102	132070501021	8	0.05		0.080	0.380
132070501021074	GA	13207	Monroe	376	13207050102	132070501021	0	0		0.026	0.055
132070501021075	GA	13207	Monroe	376	13207050102	132070501021	37	1.86		0.163	2.841
132070503011060	GA	13207	Monroe	376	13207050301	132070503011	27	0.66		0.338	0.815
132070503011062	GA	13207	Monroe	376	13207050301	132070503011	11	4.56		0.427	2.626
132070503011065	GA	13207	Monroe	376	13207050301	132070503011	31	0.4		0.137	0.936
132070503011081	GA	13207	Monroe	376	13207050301	132070503011	51	3.75		1.039	6.197
132070503012006	GA	13207	Monroe	376	13207050301	132070503012	21	1.14		0.833	0.899
132150108023107	GA	13215	Muscogee	153	13215010802	132150108023	0	0.81			1.902
132437901001005	GA	13243	Randolph	379	13243790100	132437901001	13	3.68		0.447	4.073
132437901001011	GA	13243	Randolph	379	13243790100	132437901001	2	1.35			2.936
132437901001077	GA	13243	Randolph	379	13243790100	132437901001	0	1.51			1.299
132499601002001	GA	13249	Schley	379	13249960100	132499601002	0	0.08			0.320
132499601002002	GA	13249	Schley	379	13249960100	132499601002	4	0.12			0.322
132499601002006	GA	13249	Schley	379	13249960100	132499601002	0	0.2			0.239
132599504001007	GA	13259	Stewart	379	13259950400	132599504001	2	0.81			0.672
132599504001012	GA	13259	Stewart	379	13259950400	132599504001	0	0.53			0.182
132599504001022	GA	13259	Stewart	379	13259950400	132599504001	0	0.67			0.096
132599504001145	GA	13259	Stewart	379	13259950400	132599504001	0	0.09		0.213	
132599504001185	GA	13259	Stewart	379	13259950400	132599504001	0	0.07		0.241	0.123
132599504001187	GA	13259	Stewart	379	13259950400	132599504001	0	1.8			4.907
132599504001192	GA	13259	Stewart	379	13259950400	132599504001	0	0.5			1.407
132599504002193	GA	13259	Stewart	379	13259950400	132599504002	0	1.29			2.125
132639601001129	GA	13263	Talbot	376	13263960100	132639601001	0	0			0.005
132639602001061	GA	13263	Talbot	376	13263960200	132639602001	0	0.18		0.296	
132639602001067	GA	13263	Talbot	376	13263960200	132639602001	0	0.17		0.112	0.465
132639602001068	GA	13263	Talbot	376	13263960200	132639602001	0	0.37		0.184	0.857
132639602001069	GA	13263	Talbot	376	13263960200	132639602001	0	0.08		0.257	

132639602001086	GA	13263	Talbot	376	13263960200	132639602001	0	0.01			0.002
132699503003097	GA	13269	Taylor	376	13269950300	132699503003	1	0.22		0.632	
132699503004133	GA	13269	Taylor	376	13269950300	132699503004	0	0.01			0.130
132699503004134	GA	13269	Taylor	376	13269950300	132699503004	0	0			0.042
132699503004137	GA	13269	Taylor	376	13269950300	132699503004	0	0.11			0.220
132699503004138	GA	13269	Taylor	376	13269950300	132699503004	0	0.15			0.216
132699503004139	GA	13269	Taylor	376	13269950300	132699503004	4	0.09		0.105	0.494
132699503004146	GA	13269	Taylor	376	13269950300	132699503004	2	0.01			0.019
132731202002099	GA	13273	Terrell	379	13273120200	132731202002	16	1.8			2.432
132930103001084	GA	13293	Upson	376	13293010300	132930103001	0	0.38			1.219
132930103001092	GA	13293	Upson	376	13293010300	132930103001	29	0.89		0.711	0.317
132930103002050	GA	13293	Upson	376	13293010300	132930103002	26	0.37		0.239	1.206
132930103002064	GA	13293	Upson	376	13293010300	132930103002	5	0.57			0.992
132930106001001	GA	13293	Upson	376	13293010600	132930106001	0	0.09			0.364
132930106001075	GA	13293	Upson	376	13293010600	132930106001	10	0.31		0.441	0.309
133079602001095	GA	13307	Webster	379	13307960200	133079602001	0	1.41			0.516

Declaration of E. Kelly Bond

I, E. Kelly Bond, do hereby declare under penalty of perjury the following:

1. I am the President of Public Service Wireless Services, Inc.
2. I have read the foregoing "Comments of Public Service Wireless Services, Inc." I have personal knowledge of the facts set forth therein, and believe them to be true and correct.



E. Kelly Bond

Dated: March 16, 2012